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Effectiveness of Regional Regulation No. 7 of 2009 on Organising and Empowering Street Vendors for Public Order in the Borobudur Area

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Abstract

Street vendors (pedagang kaki lima, PKL) sustain local livelihoods, but around Borobudur Temple, a World Heritage property and a national strategic area, they trade on pavements and road verges and disturb public order. This article asks how effective Magelang Regency Regional Regulation No 7 of 2009 on Organising and Empowering Street Vendors is in achieving public order in the Borobudur area, and why. It is empirical legal research with a sociological approach, using the Regulation, earlier studies and an interview with an official of the Department of Trade, Cooperatives and SMEs, and it assesses effectiveness against Soekanto's five factors. The article finds that the Regulation is clear in content but weakly effective in Borobudur sub-district. The Regent's power under article 4 to determine, move and close vendor locations, and the empowerment duty in article 11, have not been exercised there because no land suitable for relocation has been identified; the permit duty in article 6 is often unmet; and the department reports no re-checking of vendors from 2020 to 2022. Heritage and spatial-planning law narrow the options for siting vendors. The article recommends a siting study with published criteria, an interim arrangement for vendors, a funded rest area and a permit scheme, and it advises that the Regulation's current status be confirmed.

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Keywords

Vendors; Effectiveness; Heritage; Borobudur; Relocation; Regulation

Introduction

Street vendors (pedagang kaki lima, PKL) drive local economic growth, help the government deal with unemployment and supply needs that people cannot meet themselves. They also cause problems, notably disturbance of public order, and government efforts at control, relocation and guidance have not ended the problem.

Change in space also threatens heritage buildings and areas and can lower environmental quality.[1] Under the Spatial Planning Law and Government Regulation No 26 of 2008 on the national spatial plan, the Borobudur area is a national strategic area, and the spatial plan of the area is set by Presidential Regulation No 58 of 2014.[2][3][4] Borobudur Temple Compounds were inscribed on the World Heritage List in 1991 (UNESCO reference 592), and Indonesia is bound to conserve the property; a UNESCO reactive monitoring mission reported on its conservation in 2006.[5][6] Magelang Regency Regional Regulation No 7 of 2009 provides that the Regent empowers and guides vendors, which may include training in business management, capital, partnership and guidance on facilities and goods, to support regional tourism.[7]

The specific problem lies in Borobudur sub-district. According to the Department of Trade, Cooperatives and SMEs, vendors there continue to sell on pavements and road verges, with effects on the appearance of roads, peace and comfort, and traffic.[8] This study has no count of vendors in the sub-district or in the national strategic area, because the department told the author that vendors were not re-checked or counted from 2020 to 2022 during the Covid-19 pandemic, and it has no list of the affected sites or of any relocation of vendors from the temple compound, which is managed by a state-owned company. The article therefore concentrates on what the Regulation requires of the Regent and whether those requirements have been met.

Earlier studies have examined the same Regulation elsewhere in the Regency. Najib wrote a thesis on its implementation in 2012;[9] Bimantara and Suryaningsih studied its implementation with a policy-implementation framework, and report progress through relocation facilities and vending permits but weak enforcement and limited empowerment;[10] and Saputro, Syafingi and Noviasari, in this journal, studied the steps taken by the Satpol PP to enforce the Regulation and conclude that implementation has not yet been achieved, citing inconsistency, limited human

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[1] Elmas Ageng, *Tinjuan terhadap Relokasi Pedagang Kaki Lima sebagai Bentuk Pengelolaan Kawasan Heritage Studi Kasus: Zoning Penyangga Kawasan Candi Borobudur Telah* (Thesis, Universitas Indonesia, 2009).

[2] Law No 26 of 2007 on Spatial Planning (Indonesia).

[3] Government Regulation No 26 of 2008 on the National Spatial Plan (Indonesia), as amended by Government Regulation No 13 of 2017.

[4] Presidential Regulation No 58 of 2014 on the Spatial Plan of the Borobudur Area and Its Surroundings (Indonesia).

[5] UNESCO World Heritage Centre, *Borobudur Temple Compounds* (World Heritage List, ref 592, inscribed 1991).

[6] Giovanni Boccardi, Graham Brooks & Himalchuli Gurung, *Mission Report: Reactive Monitoring Mission to Borobudur Temple Compounds, World Heritage Property* (2006).

[7] Regional Regulation of Magelang Regency No 7 of 2009 on Organising and Empowering Street Vendors (Indonesia), art 11.

[8] Interview with an official of the Department of Trade, Cooperatives and SMEs, Magelang Regency (2022–2023).

[9] M A Najib, *Implementasi Peraturan Daerah Kabupaten Magelang Nomor 7 Tahun 2009 tentang "Penataan dan Pemberdayaan Pedagang Kaki Lima"* (Thesis, Universitas Negeri Yogyakarta, 2012).

[10] Renandya Yoga Bimantara & Margaretha Suryaningsih, "Implementasi Peraturan Daerah Kabupaten Magelang Nomor 7 Tahun 2009 tentang Penataan dan Pemberdayaan Pedagang Kaki Lima" (2019) 8:4 *Journal of Public Policy and Management Review*.

resources and a limited budget.[11] Ageng studied relocation of vendors in the buffer zone of Borobudur Temple as heritage management.[12] This article differs from these studies in three ways: it is confined to Borobudur sub-district, it reads the Regulation's own articles (articles 4, 6 and 11) against the heritage and spatial-planning regime that limits where vendors can be placed, and it applies Soekanto's five factors systematically to explain why the Regent's powers there have not been used.

The article asks two questions: (1) how effective is Regional Regulation No 7 of 2009 in achieving public order in the Borobudur area; and (2) which factors, and which legal constraints, explain the result? Its purpose is to answer them and to propose concrete steps that reconcile public order, heritage conservation and vendors' livelihoods.

Research Method

This is empirical legal research with a sociological approach: it treats the Regulation as a norm whose effect in practice is to be observed. Primary data are an interview with an official of the Department of Trade, Cooperatives and SMEs of Magelang Regency, with observation at the department office and pre-research data, collected in 2022–2023.[13] The interview record does not give the official's name, position or the date of the interview, and the study is limited accordingly. Primary legal materials are the Regulation, the Regent Regulation implementing it, the Spatial Planning Law, the Cultural Heritage Law and the spatial plans for the national and Borobudur areas.[14][15][16][17][18][19] Secondary materials are earlier studies and the theory of legal effectiveness.

Effectiveness is assessed with Soekanto's five factors, each given a criterion for this study.[20] Law: whether the Regulation's content is clear and complete for the situation at issue. Law enforcement: whether the officials named in it have exercised

[11] Agus Saputro, Habib Muhsin Syafingi & Dilli Trisna Noviasari, "Implementasi Perda tentang Penataan dan Pemberdayaan Pedagang Kaki Lima untuk Mewujudkan Ketertiban Umum, Kebersihan dan Keindahan Lingkungan" (2023) 2:2 *Borobudur Law and Society Journal* 49, DOI: <10.31603/10098>.

[12] Ageng, *supra* note 1.

[13] Interview, Department of Trade, *supra* note 8.

[14] Regional Regulation No 7 of 2009, *supra* note 7.

[15] Regent Regulation of Magelang Regency No 43 of 2012 on Implementing Guidelines for Regional Regulation No 7 of 2009 on Organising and Empowering Street Vendors (Indonesia).

[16] Law No 26 of 2007, *supra* note 2.

[17] Law No 11 of 2010 on Cultural Heritage (Indonesia).

[18] Government Regulation No 26 of 2008, *supra* note 3.

[19] Presidential Regulation No 58 of 2014, *supra* note 4.

[20] Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum* (Jakarta: Rajawali Pers, 2015).

their powers and imposed sanctions. Facilities: whether the land, places and funds needed for its measures exist. Society: whether vendors and the public comply with and understand it. Culture: whether the values and habits of those affected support its aims. The data were analysed qualitatively by comparing what the Regulation requires with what the department reports. The study did not interview vendors, the Regent or the heritage managers, which limits the findings on society and culture.

Results and Discussion

Background

The number of street vendors in Magelang Regency keeps rising and grows spontaneously, so that they are not neatly arranged and disturb security, order, comfort and cleanliness, and obstruct traffic by using pavements, the road body and public facilities. The Regulation responds with organising and empowerment, with community and vendor participation, in the expectation of healthier business and higher income. In Borobudur the effects reported by the department include damage to the appearance of roads, slums, disturbance of peace and comfort, and traffic jams.[21] Regional organising of vendors also rests on national instruments: a Presidential Regulation on coordination and a Ministerial Regulation of Home Affairs on guidelines, which place the duty to organise and empower vendors on regional governments.[22][23]

The Regulation's Key Provisions

The Regulation aims at legal protection and empowerment of vendors, public order, and clean and beautiful surroundings, and applies outside markets and terminals.[24] Several articles matter for this study. Article 4(1) gives the Regent power to determine, move and close vendor locations, and article 4(2) requires that the decision weigh social and economic interests, cleanliness, beauty, order and security; article 4(3) leaves details to a Regent regulation.[25] Article 6(1) requires every vendor to hold a permit from the Regent, issued on a written application with an identity card, the landowner's consent and a declaration, among others, that the vendor will not put up permanent structures and will vacate the site when the

[21] Interview, Department of Trade, *supra* note 8.
[22] Presidential Regulation No 125 of 2012 on the Coordination of Organising and Empowering Street Vendors (Indonesia).
[23] Minister of Home Affairs Regulation No 41 of 2012 on Guidelines for Organising and Empowering Street Vendors (Indonesia).
[24] Regional Regulation No 7 of 2009, *supra* note 7, arts 2, 3.
[25] *Ibid*, art 4.

regional government needs it, without compensation, if it is public land.[26] Article 11 places empowerment and guidance in the hands of the Regent and lists business-management training, partnerships, capital, equipment and quality of goods, aimed at supporting regional tourism.[27] Two further provisions protect vendors: a permitted vendor has a right to legal protection in the permitted location (article 9), and the explanation to article 8(g) provides that a vendor vacates a place only after a replacement location exists.[28] Implementing detail is delegated to a Regent regulation.[29]

A point of citation matters here: the empowerment duty sometimes attributed to article 6 is in article 11, while article 6 is the permit article. The analysis below keeps the two apart.

Assessment under Soekanto's Five Factors

Law. The Regulation is clear on the points that matter: who may fix locations (article 4), who needs a permit (article 6), what vendors must and must not do (articles 8 and 10) and what follows from breach. Breach of article 6(1), 8 or 10 brings administrative sanctions – an oral or written warning, revocation of the permit and dismantling of the business structures – and a criminal penalty of up to three months' confinement and/or a fine of up to IDR 5,000,000, classed as a violation.[30] The gap is not in the text but in its two preconditions: article 4 operates only when a location has been determined, and the vendor's duty to vacate in article 8(g) arises only when a replacement exists. The text therefore does not by itself authorise clearing Borobudur pavements.

Law enforcement. The Regent is the actor in articles 4, 6, 11 and 12, and the department states that the powers in articles 4 and 11 have not been exercised in Borobudur sub-district: no location has been determined, no vendors have been moved or relocated, and no empowerment programme has been run there.[31] The department also reports that vendors were not re-checked or counted between 2020 and 2022. No figure for warnings, permit revocations or dismantling in Borobudur is available to this study, and so it cannot say that the sanctions have been applied; it can only say that the preconditions for applying them fairly are absent.

[26] *Ibid*, art 6.
[27] *Ibid*, art 11.
[28] *Ibid*, arts 8, 9.
[29] Regent Regulation No 43 of 2012, *supra* note 15.
[30] Regional Regulation No 7 of 2009, *supra* note 7, arts 13, 15.
[31] Interview, Department of Trade, *supra* note 8.

Facilities. The decisive obstacle is physical. The department reports that there is no land or special place for vendors in the sub-district, that no land considered strategic is available for relocation, and that the local government gives no guarantee of a replacement location.[32] Without land, articles 4 and 8(g) cannot work together: vendors cannot lawfully be moved, and they are left where they are.

Society. The department reports that many vendors have no business permit, sell in the wrong place and do not understand the Regulation.[33] These statements are the department's and were not tested with vendors. The statements about heritage and visitors are not the author's field data: they come from Ageng's 2009 study of relocation in the buffer zone of Borobudur Temple, which argues that vendors do not always affect the heritage object directly but may cause discomfort that drives visitors away, and that good spatial arrangement can turn vendors into an attraction.[34]

Culture. This study has no evidence on the values and habits of the vendors or of visitors, since vendors were not interviewed. It can say only that the Regulation presumes a culture of permits and compliance, as shown by article 6 and article 11(2), which the department's account of widespread non-permit trading does not bear out. The factor is therefore assessed as not shown, not as favourable or unfavourable.

Table 1. Soekanto's five factors applied to the Regulation in Borobudur sub-district

Factor	Criterion used	Finding	Basis
Law	Clear and complete content	Clear; powers and sanctions defined; depends on a determined location (art 4) and a replacement (art 8(g))	Regulation, arts 4, 6, 8, 13, 15
Law enforcement	Officials exercise their powers	Art 4 and art 11 powers not exercised in Borobudur; no sanction figures available	Department interview
Facilities	Land, places and funds exist	No land for relocation; no rest area; no replacement guarantee	Department interview
Society	Vendors comply and understand	Many vendors without permits, trading in the wrong place; not tested with vendors	Department interview; Ageng (2009) for heritage effects
Culture	Values and habits support the aims	Not shown; no data on vendors or visitors	None

Source: compiled by the author from the Regulation and the department interview.

Obstacles, Efforts and the Heritage Regime

The department lists the obstacles as follows: many vendors sell in the wrong place and are not neatly arranged; many have no business permit; there is no land or special place for vendors; many vendors do not understand the Regulation; and the

[32] *Ibid*.
[33] *Ibid*.
[34] Ageng, *supra* note 1.

local government gives no guarantee of a replacement location.[35] The efforts it describes are what should be done and not what has been done in Borobudur: providing business locations and organising vendors; granting permits so that vendors have legal protection; providing rest areas; guidance and outreach on the Regulation; and expanding market capacity in each area and allowing vendors to stay where they already trade, provided they comply. The study has no evidence that any of these has begun in Borobudur sub-district.

The reason the Regent has not exercised article 4 in Borobudur lies partly in the heritage regime. The Borobudur area is a national strategic area with its own spatial plan, and the Cultural Heritage Law protects heritage sites and areas and provides for their zoning.[3637] Commercial activity near the temple is therefore not a matter for the Regent alone: a site for vendors must fit the spatial plan and the conservation of the property, and a pavement used informally fits neither. The legal question is a trade-off between the heritage regime, which restricts commercial use near the temple, and vendors' livelihoods, which article 3 of the Regulation itself protects through legal protection and empowerment. Article 4(2) requires the Regent to weigh both. The department's statement that no strategic land is available is, in this light, a finding that no site has been identified that satisfies both regimes, and the study cannot say whether one could be found without a siting study.

Comparison with Earlier Research

The findings agree with Saputro, Syafingi and Noviasari that implementation of the Regulation has not been achieved, and with Bimantara and Suryaningsih that enforcement and empowerment are the weak points.[3839] They differ in an important respect from Bimantara and Suryaningsih, who report relocation facilities and vending permits as areas of progress in the Regency: in Borobudur sub-district the study finds that no relocation has occurred, so progress elsewhere in the Regency has not reached the area where the heritage constraint is greatest. Where Saputro and colleagues attribute failure to inconsistency, staff and budget, this study adds a legal explanation: the powers in article 4 depend on a determined location, and in a heritage area the location has to satisfy the spatial plan and heritage law. Ageng's study of relocation in the buffer zone supplies the heritage perspective, although it dates from 2009 and predates the present Presidential Regulation on the Borobudur

[35] Interview, Department of Trade, *supra* note 8.
[36] Presidential Regulation No 58 of 2014, *supra* note 4.
[37] Law No 11 of 2010, *supra* note 17.
[38] Saputro, Syafingi & Noviasari, *supra* note 11.
[39] Bimantara & Suryaningsih, *supra* note 10.

spatial plan.[40] Najib's 2012 thesis on the same Regulation is a precedent for studying its implementation in the Regency;[41] its findings are not relied on here.

Conclusion

On the first question, the Regulation is weakly effective in achieving public order in the Borobudur area. Article 4 gives the Regent power to determine, move and close vendor locations, which protects vendors from arbitrary eviction and allows the area to be tidied and public roads freed for pedestrians, but there has been no attempt to relocate vendors in Borobudur sub-district because no suitable land has been identified; the empowerment duty in article 11 has likewise not been carried out, and many vendors lack the permit that article 6 requires. Vendors therefore sell on pavements and roadsides, and if they were evicted without a replacement location they would lose their place of trade. This study does not quantify the effect on employment. On the second question, the main explanations are the lack of land and of a siting decision (facilities and enforcement) and the constraints of the heritage and spatial-planning regime, with weak vendor understanding as a contributing factor.

Four recommendations follow. First, the Regency should carry out a siting study for vendors in and near Borobudur sub-district with published criteria – fit with the spatial plan, distance from the temple and its zones, traffic safety and access for customers – and the Regent should then determine locations under article 4 by Regent decree, with a named funding source and a timetable. Second, until a site is ready, an interim arrangement should set where, when and how vendors may trade, and should not be enforced by eviction while no replacement exists, in line with article 8(g). Third, the Regency should build rest areas or special places for vendors and tie permits under article 6 to them, so that permitted vendors are protected from removal by the Satpol PP. Fourth, the department should count and map vendors in the sub-district and publish the data on warnings, permit revocations and dismantling.

The study has limits. Its primary data are one official's account and observation at the department office; vendors, the Regent and the heritage managers were not interviewed; there is no count of vendors; there are no sanction statistics; and the Regulation dates from 2009, so its present status and any amendment, and the content of its implementing Regent regulation, should be confirmed before the

[40] Ageng, *supra* note 1.
[41] Najib, *supra* note 9.

recommendations are acted on. Later research should interview vendors and heritage authorities and map the candidate sites.

Ethics and Data Availability

This empirical legal research involved an interview with a government official about the implementation of a regional regulation and did not involve personal or sensitive data about the interviewee beyond his or her official position; the official is not identified in the article. No further dataset was generated; the legal materials cited are publicly available and are listed in the References.

Use of Generative AI

Generative AI was used only to improve the language of this article (grammar, clarity and style). The authors reviewed the output and are responsible for the content of the article.

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